

(Stipulating Parties Listed on Signature Pages)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

**In re: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION**

Case No. 07-5944 SC

MDL No. 1917

This Document Relates to:

Electrograph Systems, Inc., et al. v. Hitachi, Ltd., et al., No. 11-cv-01656;

Stoebner, et al. v. LG Electronics, et al., No. 11-cv-05381;

Siegel v. Hitachi, Ltd., et al., No. 11-cv-05502;

Best Buy Co., Inc., et al. v. Hitachi, Ltd., et al., No. 11-cv-05513;

Target Corp, et al. v. Chunghwa Picture Tubes, Ltd., et al., No. 11-cv-05514;

Interbond Corporation of America v. Hitachi, et al., No. 11-cv-06275;

Office Depot, Inc. v. Hitachi Ltd., et al., No. 11-cv-06276;

CompuCom Systems, Inc. v. Hitachi, Ltd., et al., No. 11-cv-06396;

Costco Wholesale Corporation v. Hitachi, Ltd., et al., No. 11-cv-06397;

P.C. Richard & Son Long Island Corporation, et al., v. Hitachi, Ltd., et al., No. 12-cv-02648;

Schultze Agency Services, LLC, et al. v. Hitachi, Ltd., et al., No. 12-cv-02649;

Tech Data Corp. v. Hitachi, Ltd, No. 13-cv-00157.

**STIPULATION AND ~~PROPOSED~~
ORDER OF DISMISSAL OF
DEFENDANTS SAMSUNG
ELECTRONICS COMPANY, LTD.
AND SAMSUNG ELECTRONICS
AMERICA, INC.**

1 WHEREAS, there is pending in the United States District Court for the Northern District
 2 of California a multidistrict consolidated proceeding comprised of actions brought on behalf of
 3 purported purchasers of cathode ray tube ("CRT") products, captioned as *In re: Cathode Ray*
 4 *Tube (CRT) Antitrust Litigation*, Case No 3:07-cv-05944 SC (MDL No 1917) (the "MDL
 5 Proceedings"); and

6 WHEREAS, Direct Action Plaintiffs ("DAPs") filed complaints¹ ("Complaints"), that list
 7 Samsung Electronics Company, Ltd. ("SEC") and Samsung Electronics America, Inc. ("SEAI")
 8 among the defendants; and

9 WHEREAS, the Complaints assert certain claims under federal and various states' laws
 10 against SEC and SEAI based on an alleged conspiracy to fix the prices of CRTs from March 1,
 11 1995 to November 25, 2007 ("DAPs' CRT Claims");

12 WHEREAS, Special Master Charles A. Legge recommended that the Complaints against
 13 SEC and SEAI be dismissed with leave to amend on May 2, 2013 ("Report and
 14 Recommendations") [Dkt. No. 1664]; and

15 WHEREAS, DAPs have agreed to dismiss SEC and SEAI from their Complaints without
 16 prejudice under certain conditions set forth in a separately executed tolling agreement;

17 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among the
 18 undersigned counsel, on behalf of their respective clients, as follows:

19 1. DAPs voluntarily dismiss all of the DAPs' CRT Claims against SEC and SEAI,

20 ¹ Specifically, this Stipulation relates to the following complaints: *Tech Data Corp. v. Hitachi,*
 21 *Ltd.*, No. 13-cv-00157 (N.D. Cal.) [Dkt. No. 1] (Dec. 11, 2012) ("Tech Data Compl."); *Stoebner v.*
 22 *LG Electronics, Inc.*, No. 11-cv-05381 (N.D. Cal.) [Dkt. No. 1] (Nov. 7, 2011) ("Polaroid
 23 *Compl.*"); *Target Corp. v. Chunghwa Picture Tubes, Ltd.*, No. 11-cv-05514 (N.D. Cal.) [Dkt. No.
 24 9] (Jan. 6, 2012) ("Target Am. Compl."); *P.C. Richard & Son Long Island Corp. v. Hitachi, Ltd.*,
 25 No. 12-cv-02648 (N.D. Cal.) [Dkt. No. 1] (Nov. 14, 2011) ("P.C. Richard Compl."); *Schultze*
 26 *Agency Servs., LLC v. Hitachi, Ltd.*, No. 12-cv-02649 (N.D. Cal.) [Dkt. No. 1] (Nov. 14, 2011)
 27 ("Tweeter Compl."); *CompuCom Systems, Inc. v. Hitachi, Ltd.*, No. 11-cv-06396 (N.D. Cal.)
 28 [Dkt. No. 1] (Nov. 14, 2011) ("CompuCom Compl."); *Interbond Corp. of Am. v. Hitachi, Ltd.*,
 No. 11-cv-06275 (N.D. Cal.) [Dkt. No. 1] (Nov. 14, 2011) ("Interbond Compl."); *Costco*
Wholesale Corp. v. Hitachi, Ltd., No. 11-cv-06397 (N.D. Cal.) [Dkt. No. 1] (Nov. 14, 2011)
 ("Costco Compl."); *Siegel v. Hitachi, Ltd.*, No. 11-cv-05502 (N.D. Cal.) [Dkt. No. 1] (Nov. 14,
 2011) ("Circuit City Compl."); *Office Depot, Inc. v. Hitachi, Ltd.*, No. 11-cv-06276 (N.D. Cal.)
 [Dkt. No. 1] (Nov. 14, 2011) ("Office Depot Compl."); *Best Buy Co., Inc. v. Hitachi, Ltd.*, No.
 11-cv-05513 (N.D. Cal.) [Dkt. No. 1] (Nov. 14, 2011) ("Best Buy Compl."); and *Electrograph*
Systems, Inc. v. Hitachi, Ltd., No. 11-cv-01656 (N.D. Cal.) [Dkt. No. 5] (Mar. 10, 2011)
 ("Electrograph Am. Compl.).

1 without prejudice, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure.

2 2. Each party shall bear their own costs and attorney fees, and the parties shall not
3 pursue any sanctions against each other or their counsel so long as the DAP CRT Claims remain
4 dismissed.

5 3. This Stipulation does not alter in any way the separately executed, written tolling
6 agreement between DAPs and Defendants SEC and SEAI.

7 4. This stipulation does not affect the rights or claims of DAPs against any other
8 defendant or alleged co-conspirator in this litigation.

9 5. SEC and SEAI acknowledge and agree that DAPs may serve discovery on them
10 pursuant to Fed. R. Civ. P. 30, 31, 33, and 34 rather than Fed. R. Civ. P. 45; SEC and SEAI
11 further agree that if they produce discovery to any party in the action, they will produce that
12 discovery to DAPs; the Parties will meet and confer in good faith in an attempt to narrow any
13 future discovery and minimize burdens.

14 6. SEC and SEAI will not move the Court to adopt the Report and
15 Recommendations, and DAPs likewise will not lodge with the Court objections to the Report and
16 Recommendations with respect to SEC and SEAI.

17 **IT IS SO STIPULATED.**
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1 Dated: June 5, 2013

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as Receiver for Petters Company, LLC and
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1 **Pursuant to Local Rule 5-1(i)(3), the filer attests that concurrence in the filing of this**
2 **document has been obtained from the signatories.**

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4 PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

5 June 7, 2013



Hon. Samuel Conti
United States District Judge